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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,821	07/06/2000	Terrell Neils Andersen	1060A	5412
7	590 03/27/2002			
C Clark Dougherty Jr McAfee & Taft Tenth Floor Two Leadership Square			EXAMINER	
			PHASGE, ARUN S	
11 North Robir Oklahoma City			ART UNIT	PAPER NUMBER
•	,		1741	В
			DATE MAILED: 03/27/2002	B

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.			MEU			
## Examiner ## Art Unit ## Art S. Phasge ## 1741  ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be evaluable under the provisions of 37 CFF 1.136(s), in no event, however, may a reply be timely filled  If the period crisely specified above, the macrimum statisticity period will apply and will expans SX (5) MAINTHS from this realiting time of the correspondence of the corresponde		Application No.	Applicant(s)			
Arun S. Phasge   1741	,	09/610,821	ANDERSEN ET AL.			
—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentions of the map by a validable under the provisions of 3 CFR 1.15(6). In no event, however, may a reply be linely filed  Edentions of the map to a validable under the provisions of 3 CFR 1.15(6). In no event, however, may a reply be linely filed  Edentions of the special decrease that the filed (30 days, a reply which the alluthery minimum of thirty (30) days will be considered linely.  If the period for reply septimized above, the maximum attations period will apply and will again £x(8) MONTHS from the malling date of this communication.  Fallow to reply which the set or adentidate period will apply and will again £x(8) MONTHS from the malling date of this communication, even if this year.  If the period for reply septimized above, the maximum attations period will apply and will again £x(8) MONTHS from the malling date of this communication, even if this year.  Finally the period for reply septimized above, the maximum attations period will be become APAMONEO. (53 LS 5 135).  Short this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 17-25 is/are pending in the application.  4) Claim(s) 17-25 is/are pending in the application.  4) Claim(s) 17-25 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 17-25 is/are rejected to.  8) Claim(s) 17-25 is/are rejected to by the Examiner.  10) The drawing(s) filed on is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are subject to restriction and/or election requirement.  Application Papers  9) Application Papers  9) Application Papers  10) Ackn	Office Action Summary	Examiner	Art Unit			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be writing the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Extensions of time may be writing the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Extensions of time may be writing the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Extensions of time may be writing the provisions of 37 CFR 1.35(a). If the period for reply spired shows, the maximum statutory period will apply and will copie 53 K (5) MoNTH'S from his manifer place of his communication. The provisional paper of the provis						
THE MAILING DATE OF THIS COMMUNICATION.  Estimations of time may be available under the provisions of 37 CFR 1.38(a). In no event, however, may a reply be timely field after 50 kg (6) MCNTRS from the mailing date of this communication.  It NO provide or engly is guitable under the provision of the communication.  Failure to reply visitine the set or ostended period for reply visit, but statistically prived value page and visiting to the communication.  Failure to reply visitine the set or ostended period for reply visit, cause the application to become ARANDONED (38 U.S.C. \$133). Any reply received by the Office alter than there meriding date of the communication, even if timely filled, may reduce any statistic private and the communication, even if timely filled, may reduce any statistic private and the communication, even if timely filled, may reduce any statistic private and the communication, even if timely filled, may reduce any statistic private and the communication.  Failure to reply visitine the set of communication (s) filled on 24 October 2001.  Status  1) Responsive to communication(s) filled on 24 October 2001.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 17-25 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 17-25 is/are allowed.  6) Claim(s) 17-25 is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  10) The proposed drawing correction filled on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  Application Papers  Application is objected to by the Examiner.  11) The proposed drawing correction filled on is/are: a) approved by the Examiner.  12) The oath or declaration is objected to by the Examiner.  13) Acknowledgment is made of a claim for fore		pears on the cover sheet wit	h the correspondence address			
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## DETAILED ACTION

# Claim Rejections - 35 USC § 112

Claims 17-25 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention of record for reasons of record.

## Response to Arguments

Applicant's arguments filed 10/24/01 have been fully considered but they are not persuasive.

Applicants argue that the composition claims which are defined by a single property are not indefinite, since the Spacht case does not support the proposition that claims defining a materials in terms of a single property are indefinite per se.

It is precisely the definition of a material is terms of a single property, which does not limit the claim terminology. In other words, the disclosure is not commensurate in scope of the claim, which would include tremendously speculatively broad groups of material which when combined with EMD would provide the single property.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun 5. Phasge whose telephone number is (703) 308-2528. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KATHRYN GORGOS can be reached on (703) 308-3328. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Arun S. Phasge Primary Examiner Art Unit 1741

asp March 25, 2002